

1 WILLIAM S. BOGGS (Bar No. 53013)
william.boggs@dlapiper.com
2 AMANDA C. FITZSIMMONS (Bar No. 258888)
amanda.fitzsimmons@dlapiper.com
3 DLA PIPER LLP (US)
401 B Street, Suite 1700
4 San Diego, CA 92101-4297
Tel: 619.699.2700
5 Fax: 619.699.2701

6 Attorneys for Defendants
Midland Funding LLC, Midland Credit Management, Inc.,
7 and Encore Capital Group

8 [Additional Counsel Listed on Signature Page]

9 Douglas J. Campion
LAW OFFICES OF DOUGLAS J. CAMPION, APC
10 doug@djcampion.com
409 Camino Del Rio South, Suite 303
11 San Diego, CA 92108-3551
Telephone: (619) 299-2091
12 Facsimile: (619) 858-0034

13 James O. Lattner
EDELMAN, COMBS, LATTNER & GOODWIN, LLC
14 120 South LaSalle Street, Ste, 1800
Chicago, IL 60603
15 Telephone: (312) 739-4200
Facsimile: (312) 419-0379

16 Co-Lead Counsel for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 IN RE: MIDLAND CREDIT
21 MANAGEMENT, INC.,
22 TELEPHONE CONSUMER
PROTECTION ACT LITIGATION.

23 Case No. 11-md-2286 MMA (MDD)

24 Member Cases: 10-cv-02261
10-cv-02600
10-cv-02368
10-cv-02370

25 **JOINT MOTION TO CONTINUE
DEADLINES IN AMENDED CASE
MANAGEMENT ORDER RE:
DISCOVERY THROUGH FILING
OF CLASS CERTIFICATION
MOTION**

1 On March 14, 2013, the parties participated in a mediation with Judge
2 Herbert B. Hoffman (Ret.). Although the parties did not reach a settlement, the
3 parties made progress and scheduled another mediation with Judge Hoffman on
4 April 16, 2013.

5 On March 22, 2013, the parties filed a Joint Motion to Vacate Deadlines and
6 Set a Case Management Conference. (Doc. No. 56.) The parties requested that the
7 dates be vacated because the current case management order did not allow
8 sufficient time for the parties to complete the mediation process.

9 On March 25, 2013, the Court issued an Amended Case Management Order
10 Re: Discovery Through Filing of Class Certification Motion, setting a telephonic
11 case management conference for three days after the anticipated mediation, April
12 19, 2013 and continuing the various dates in the case management order. (Doc. No.
13 55.)

14 On April 8, 2013, Defendant Encore Capital Group (“Encore”) announced
15 that its board of directors had elected Ken Veccione to succeed Brandon Black as
16 the company’s chief executive officer. As a result, shortly thereafter the parties and
17 Judge Hoffman agreed to continue the mediation scheduled for April 16, 2013 to
18 June 17, 2013 so as to allow sufficient time for Encore to transition leadership
19 responsibilities from Mr. Black to Mr. Veccione and provide Encore with an
20 opportunity to review its settlement position with the company’s new leadership.

21 In light of the mediation being continued, on April 17, 2013, the parties filed
22 a joint motion to extend the scheduling order regulating discovery through the filing
23 of class certification motion. (Doc. No. 59.) That same day, the Court issued an
24 order granting the parties’ request and extending the various dates in the scheduling
25 order. (Doc. No. 58.)

26 On June 17, 2013, the parties participated in another all-day mediation
27 session with Judge Hoffman. The parties and Judge Hoffman found the mediation
28 session to be productive and have mutually agreed to meet for two consecutive

1 additional sessions of mediation on August 26 & 27, 2013. Calendaring conflicts
2 did not permit an earlier mediation.

3 Accordingly, the parties respectfully request that the Court continue the dates
4 currently set in its Amended Case Management Order Re: Discovery Through
5 Filing of Class Certification Motion as follows:

6 1. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be
7 served on all parties on or before September 30, 2013. Any contradictory or
8 rebuttal disclosures within the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on
9 or before October 28, 2013.

10 2. The deadline to complete all fact and expert discovery necessary to
11 support or oppose class certification shall be continued from September 25, 2013 to
12 December 13, 2013.

13 3. The deadline to file any motion for class certification shall be
14 continued from October 28, 2013 to January 10, 2014.

15 Dated: July 3, 2013

16 By s/ William S. Boggs

17 WILLIAM S. BOGGS
EDWARD D. TOTINO
AMANDA C. FITZSIMMONS
DLA PIPER LLP (US)

18
19 RICHARD L. STONE
AMY M. GALLEGOS
ETHAN A. GLICKSTEIN
JENNER & BLOCK LLP

20
21 Attorneys for Defendants
22 Midland Funding LLC, Midland Credit
23 Management, Inc., and Encore Capital
24 Group

25

26

27

28

1 Dated: July 3, 2013

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF DOUGLAS J.
CAMPION, APC

By s/ Douglas J. Campion
DOUGLAS J. CAMPION

Dated: July 3, 2013

EDELMAN, COMBS, LATTURNER &
GOODWIN, LLC

By s/ James O. Latturner
JAMES O. LATTURNER

Co-Lead Counsel for Plaintiffs

1 CERTIFICATE OF SERVICE

2 I certify that on July 3, 2013, I caused a true and correct copy of the
3 **Joint Motion to Continue Deadlines in Amended Case Management Order Re:**
4 **Discovery Through Filing of Class Certification Motion** to be filed electronically
5 with the Clerk of the Court through the CM/ECF System which will send
6 notification of such filing to the e-mail addresses denoted in the Electronic Mail
7 Notice List appearing on Pacer.

8 I certify under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed on July 3, 2013 at San Diego, California.

11 Dated: July 13, 2013

12 By s/William S. Boggs

13 WILLIAM S. BOGGS
14 EDWARD D. TOTINO
15 AMANDA C. FITZSIMMONS
16 DLA PIPER LLP (US)

17 RICHARD L. STONE
18 AMY M. GALLEGOS
19 ETHAN A. GLICKSTEIN
20 JENNER & BLOCK LLP

21 Attorneys for Defendants
22 Midland Funding LLC, Midland Credit
23 Management, Inc., and Encore Capital
24 Group